

GRANDPARENTS VISITATION RIGHTS

1998 GENERAL SESSION

STATE OF UTAH

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AN ACT RELATING TO GRANDPARENTS; EXPANDING THE RIGHTS OF GRANDPARENTS TO SEEK COURT-ORDERED VISITATION.

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

30-5-2, as last amended by Chapter 257, Laws of Utah 1995

Be it enacted by the Legislature of the state of Utah:

Section 1. Section 30-5-2 is amended to read:

30-5-2. Visitation rights of grandparents.

(1) The district court may grant grandparents reasonable rights of visitation, if it is in the best interest of the grandchildren, in cases where a grandparent's child has died or has become a noncustodial parent through divorce or legal separation.

(2) In cases other than those described in Subsection (1), a grandparent may petition the court for reasonable rights of visitation with a grandchild. The court may enter an order granting the petitioner reasonable visitation rights in accordance with the provisions and requirements of this Subsection (2). There is a presumption that a parent's decision with regard to grandparent visitation is reasonable. The court may override the parent's decision and grant reasonable visitation rights to a grandparent if it finds that:

(a) it is in the best interest of the grandchild;

(b) the petitioner is a fit and proper person to have rights of visitation with the grandchild;

(c) the petitioner has repeatedly attempted to visit the grandchild and has not been allowed to visit the grandchild as a direct result of the actions of the parent or parents;

(d) there is no other way for the petitioner to visit the grandchild without court intervention;
and

(e) the petitioner has, by clear and convincing evidence, rebutted the presumption that the parent's decision to refuse or limit visitation with the grandchild was reasonable.

(3) Adoption of a child, voluntary or involuntary termination of parental rights, or relinquishment to a licensed child placing agency terminates all rights of a biological grandparent to petition for visitation under this section.

~~[(2)]~~ (4) Grandparents may petition the court as provided in Section 78-32-12.2 to remedy a parent's wrongful noncompliance with a visitation order.